

Shirley Verrette McIver

Plaintiff.

C/A NO.: 417-CV-01000-RBH-KDW JUL 28 PM 3:03

V.

United States, Elizabeth Sengstaken, M.D.,

V.A.M.C., Jennifer Acselrod, R.N./B.S.N.,

Poomina Sharma, M.D., Paul Lowe, M.D.,

P.A.F.A., Steven W. Arle, M.D., Daniel

Gordon, M.D.,

Defendants.

Attorney claims defendant Daniel Gordon Radiologist, M.D., Negative Evidence, NON Negligence and NON Jointly Connected. Attorney MOTION FOR DISMISSAL.

IN RESPONSE:

I Shirley Verrette McIver, respectfully request before this HONORABLE COURT to KEEP defendant Daniel Gordon M.D., Jointly with All other said, Defendants.

To maintain continuously and without stoppage or variation; as, when a vessel is said to "keep her course," that is, continue in motion in the same general direction which she was previously sailing. The Britannia, 153 U.S. 130, 14S.CT.795, 38 L.ED. 660

Daniel Gordon M.D. Radiologist, is Joint Liability. The omission to do something which a reasonable, guided by those ordinary considerations which ordinarily regulate human affairs, would do, or the doing of something which a reasonable and prudent man would not do.

The term refers only to that legal delinquency which results whenever a man fails to exhibit the care which he ought to exhibit, whether it be slight, ordinary, or great. It is characterized chiefly by inadvertence, thoughtlessness, and the while "wantonness" or "recklessness" is characterized by willfulness.

The law of negligence is founded on reasonable conduct or reasonable care under all circumstances of particular case.

Doctrine of Negligence rests on duty of every person to exercise due care in this conduct toward others from which injury may result.

A person is presumed to intend the natural probable consequences of his voluntary acts. The

Government is not required to prove that a defendant intended the consequences of his act and his intent can be inferred from his act.

In All Civil actions and proceedings not otherwise provided for by Act of Congress or by Federal Rules of Evidence, a presumption imposes on the party against whom it is directed the burden of going forward with evidence to rebut or meet the presumption, but does not shift to such party the burden of proof in the sense of the risk of non persuasion, which remains throughout the trial the party on whom it was originally cast. Federal Evidence Rule 301.

Judicial Notice for Daniel Gordon, M.D.

The Act by which a court, in conducting a trial, or framing its decision, will, of its own motion or on request of a party, without the production of evidence, recognize the existence and truth of certain facts, having a bearing on controversy at bar, which, from their nature, are not properly the subject of testimony, or which are universally regarded as established by common notoriety, the laws of the state, international law, historical events, the Constitution and course of nature, main geographical features, etc. Such notice excuses party having burden of establishing fact from necessity of producing formal proof. *Hutchinson v. State Ind.*, 477 N.E.2d 850, 854. Fed. Evid. Rule 201.

“Retrospective Law” or “Retroactive Law” are generally defined from a legal viewpoint as those which take away or impair vested rights acquired under existing laws, create new obligations, impose a new duty, or attach a new disability in respect to the transactions or considerations already past. *Barbieri v. Morris*, MO., 315 S.W.2d. 711, 714.

Retrospective, looking backward; contemplating what is past; having reference to a state of things existing before the act in question.

## Conclusion

### All Defendants Joint and Several Contracts

Contracts in which the parties bind themselves both individually and as a unit. (Jointly)

Describes the liability of copromisors of the same performance when each of them, individually, has the duty of fully performing the obligation, and the obligee can sue all or any of them upon breach of performance.

Terms also refers to the liability of tortfeasors (i.e., liability that an individual or business either shares with other tortfeasors or bears individually without the others.)

Contribution; Indemnity; Joint liability; Joint tort-feasors; Liability.

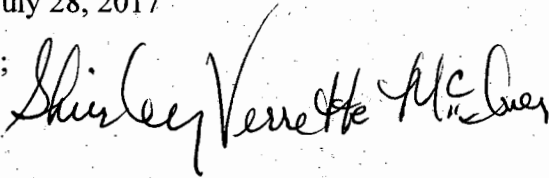
Shirley Verrette McIver

213 McCoy Drive

Bennettville, S.C. 29512

Date: July 28, 2017

Signed;

A handwritten signature in cursive script that reads "Shirley Verrette McIver". The signature is written in dark ink and is positioned to the right of the word "Signed;".